

Issuance Date: ?  
Effective Date: ?  
Expiration Date: ?

STATE WASTE DISCHARGE PERMIT NUMBER ST 8033

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
Eastern Regional Office  
4601 North Monroe Street  
Spokane, WA 99205-1295

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
authorizes

Echo Bay Minerals Company  
363 Fish Hatchery Road  
Republic, WA 99166

to discharge wastewater in accordance with the special and general conditions which follow.

<u>Facility Location:</u> 363 Fish Hatchery Road Republic, WA 99166	<u>Discharge Location:</u> Tailings Pond is located within the SW¼ of Section 26, Township 37 N., Range 33 E., Ferry County
<u>Industry Type:</u> Gold and Silver Mining and Milling	Latitude: 48° 40' 28" N. Longitude: 118° 36' 17" W.
<u>SIC Code:</u> 1041	

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James M. Bellatty  
WQ Section Manager  
Eastern Regional Office

## TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS.....	4
<b>SPECIAL CONDITIONS</b>	
S1. DISCHARGE LIMITATIONS .....	5
A. Tailings Pond Discharge	
B. K2 Mine Water Discharge	
C. Interim Ground Water Quality Limitations	
D. Final Ground Water Quality Limitations	
S2. MONITORING REQUIREMENTS .....	6
A. Tailings Pond Monitoring	
B. Underdrain Sump Monitoring	
C. K2 Mine Water Monitoring	
D. Ground Water Compliance Monitoring	
E. Surface and Ground Water Monitoring	
F. Sampling and Analytical Procedures	
G. Flow Measurement	
H. Laboratory Accreditation	
S3. REPORTING AND RECORDKEEPING REQUIREMENTS .....	10
A. Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
S4. CLOSURE AND RECLAMATION REQUIREMENTS.....	12
A. Reclamation Plan Update	
B. Reclamation Requirements	
S5. SURFACE AND GROUND WATER MONITORING PLAN .....	13
S6. SCHEDULE OF COMPLIANCE.....	14
S7. OPERATION AND MAINTENANCE.....	15
A. Operations and Maintenance Manual	
B. Bypass Procedures	
S8. SOLID WASTE DISPOSAL.....	16
A. Solid Waste Handling	
B. Leachate	
C. Solid Waste Control Plan	
S9. NON-ROUTINE AND UNANTICIPATED DISCHARGES .....	17
S10. SPILL PLAN .....	17

**GENERAL CONDITIONS**

G1.	SIGNATORY REQUIREMENTS.....	19
G2.	RIGHT OF ENTRY .....	19
G3.	PERMIT ACTIONS.....	20
G4.	REPORTING A CAUSE FOR MODIFICATION .....	20
G5.	PLAN REVIEW REQUIRED .....	20
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES.....	20
G7.	DUTY TO REAPPLY .....	20
G8.	PERMIT TRANSFER .....	20
G9.	PAYMENT OF FEES.....	21
G10.	PENALTIES FOR VIOLATING PERMIT CONDITIONS .....	21

## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Monthly	
S4.A.	Reclamation Plan Update	1/permit cycle	Within nine months after issuance date
S5.	Surface and Ground Water Monitoring Plan	1/permit cycle	Within three months after issuance date
S5.	Surface and Ground Water Monitoring Results	1/Quarter	
S6. Item 1	Hydrogeologic/Engineering Report	1/permit cycle	Within one year after issuance date
S6. Item 3	Updated Hydrogeologic Report	1/permit cycle	Within three years after issuance date
S7.A.	Operations and Maintenance Manual	1/permit cycle	Within six months after issuance date
S8.C.	Solid Waste Control Plan Update	1/permit cycle	Within 180 days before permit expiration
S10.	Spill Plan Update	1/permit cycle	Within six months after issuance date
G7.	Application for permit renewal	1/permit cycle	Within 180 days before permit expiration

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

#### A. Tailings Pond Discharge

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is not authorized to discharge wastewater from the tailings impoundment to either surface or ground waters of the State.

The concentration of weak acid dissociable (WAD) cyanide in the tailings pond water shall not exceed a monthly average value of 40 mg/L.

#### B. K2 Mine Water Discharge

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge mine water from the K2 underground mine to the Key Mill tailings impoundment for disposal.

#### C. Interim Ground Water Quality Limitations

Beginning on the effective date and lasting through four years after the issuance date of this permit, ground water quality affected by the Permittee's site activities as measured by wells K2-2, TP-1, TP-2, KW-1A, and LF-12 shall be subject to the following interim limitations:

INTERIM GROUND WATER QUALITY ENFORCEMENT LIMITS (mg/L) <sup>a</sup>				
Site Location	Well	NO <sub>3</sub> +NO <sub>2</sub> (as N)	Sulfate	TDS
K2 Mine	K2-2	5.7	280	921
Key Mill	TP-1	8.0	211	906
	TP-2	19.4	234	798
Key Open Pits	KW-1A	71.4	788	1,624
Lamefoot Mine	LF-12	27.3	185	734
<sup>a</sup> See Special Condition S.5. for a schedule of compliance for these wells.				

D. Final Ground Water Quality Limitations

Beginning on the effective date and through the expiration date of this permit, ground water quality affected by the Permittee's site activities as measured by wells K2-1, K2-2, TP-1, TP-2, TP-3, KW-1A, LF-1, LF-2, LF-4, LF-5, LF-6, and LF-8 shall be subject to the following limitations:

<b>FINAL GROUND WATER QUALITY ENFORCEMENT LIMITS (mg/L)<sup>a</sup></b>				
<b>Site Location</b>	<b>Well</b>	<b>Final Limitations<sup>a</sup></b>		
		<b>NO<sub>3</sub>+NO<sub>2</sub> (as N)</b>	<b>Sulfate</b>	<b>TDS</b>
K2 Mine	K2-1	0.59	58	364
	K2-2	0.61	72	380
Key Mill	TP-1	6.9	29	571
	TP-2	8.0	26	679
	TP-3	2.5	46	318
Key Open Pits	KW-1A	4.2	227	623
Lamefoot Mine	LF-1	1.25	248	685
	LF-2	0.62	362	916
	LF-4	0.53	317	717
	LF-5	2.26	210	576
	LF-6	-	180	494
	LF-8	4.55	216	648
<sup>a</sup> See Special Condition S5 for a schedule of compliance for these limitations for wells K2-2, TP-1, TP-2 and KW-1A.				

## S2. MONITORING REQUIREMENTS

### A. Tailings Pond Monitoring

The sampling point for tailings pond water will be from the surface of the impoundment.

The Permittee shall monitor the tailings pond water according to the following schedule:

Parameter	Units	Sample Point	Sampling Frequency <sup>a</sup>	Sample Type
WAD Cyanide	mg/L	Tailings Pond	5/week	Grab
pH	Standard Units	“	“	“
Conductivity	µmhos/cm	“	1/quarter	“
TDS	mg/l	“	“	“
NO <sub>3</sub> +NO <sub>2</sub> (as N)	mg/l	“	“	“
Sodium	mg/l	“	“	“
Calcium	mg/l	“	“	“
Magnesium	mg/l	“	“	“
Potassium	mg/l	“	“	“
Chloride	mg/l	“	“	“
Sulfate	mg/l	“	“	“
Alkalinity <sup>b</sup>	mg/l	“	“	“
Copper	mg/l	“	“	“
Mercury	mg/l	“	“	“
Selenium	mg/l	“	“	“
<sup>a</sup> When the mill is idle, the sampling frequency for WAD Cyanide and pH may be reduced to once per month.				
<sup>b</sup> bicarbonate, carbonate, and hydroxide alkalinities shall be tested.				

**B. Underdrain Sump Monitoring**

The sample point for the tailings pond underdrain water will be at the two sumps ('old' and 'new') collecting water from the underdrain system beneath the tailings impoundment.

The Permittee shall monitor the underdrain water from each sump according to the following schedule:

<b>Parameter</b>	<b>Units</b>	<b>Sample Point</b>	<b>Sampling Frequency<sup>a</sup></b>	<b>Sample Type</b>
Flow	gpd	Return Line	daily	Estimate
Conductivity	µmhos/cm	Collection tank	"	Grab
WAD Cyanide	mg/L	"	"	"
pH	Standard Units	"	1/quarter	"
NO <sub>3</sub> +NO <sub>2</sub> (as N)	mg/L	"	"	"
TDS	"	"	"	"
Sodium	"	"	"	"
Calcium	"	"	"	"
Magnesium	"	"	"	"
Potassium	"	"	"	"
Chloride	"	"	"	"
Sulfate	"	"	"	"
Alkalinity <sup>b</sup>	"	"	"	"
Copper	"	"	"	"
Zinc	"	"	"	"
Lead	"	"	"	"
Mercury	"	"	"	"
Cadmium	"	"	"	"
Selenium	"	"	"	"
<sup>a</sup> When the mill is idle, the sampling frequency for Conductivity, WAD Cyanide and pH may be reduced to once per month.				
<sup>b</sup> bicarbonate, carbonate, and hydroxide alkalinities shall be tested.				



C. K2 Mine Water Monitoring

The sample point for the K2 mine water will be from the discharge from the underground workings.

The Permittee shall monitor the K2 mine water according to the following schedule:

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow	gpd	mine discharge	daily	Estimate
pH	Standard Units	“	1/quarter	Grab
TKN (as N)	mg/l	“	“	“
NO <sub>3</sub> (as N)	“	“	“	“
NH <sub>3</sub> (as N)	“	“	“	“
TSS	“	“	“	“
Copper	“	“	“	“
Zinc	“	“	“	“
Lead	“	“	“	“
Mercury	“	“	“	“
Cadmium	“	“	“	“

D. Ground Water Compliance Monitoring

The sampling points for ground water will be monitoring wells K2-1, K2-2, TP-1, TP-2, TP-3, KW-1A, LF-1, LF-2, LF-4, LF-5, LF-6, LF-8, and LF-12.

The Permittee shall monitor the ground water according to the following schedule:

Parameter	Units	Sampling Frequency	Sample Type
NO <sub>3</sub> +NO <sub>2</sub> (as N)	mg/L	1/quarter	Grab
SO <sub>4</sub>	“	“	“
TDS	“	“	“

E. Surface and Ground Water Monitoring

The Permittee shall monitor surface and ground water sites according to the schedule in the approved surface and ground water monitoring plan, condition S5.

F. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Ground water sampling shall conform to the latest protocols in the *Implementation Guidance for the Ground Water Quality Standards*, (Ecology 1996).

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

G. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

H. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, turbidity, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, N. 4601 Monroe, Spokane, WA 99205-1295.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;

3. Immediately notify the Department of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days, unless requested earlier by the Department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

#### **S4. CLOSURE AND RECLAMATION REQUIREMENTS**

##### **A. Reclamation Plan Update**

Within nine months after the issuance date of this permit, the Permittee shall update the reclamation plan and costs, for Department review and approval, for the tailings pond to include a cover that utilizes a composite liner system. To prevent excess water infiltration to the tailings, the composite cover may include the use of a combination of the following: impermeable, drainage, and vegetative layers. Water infiltration shall be estimated by a model acceptable to the Department.

##### **B. Reclamation Requirements**

1. The Permittee shall notify the Department in writing of all permanent or temporary closures of: (1) any of the mines, or (2) the ore-processing facility. This notification shall be received by the Department at least sixty (60) calendar days prior to actual permanent or temporary closure. Sixty (60) calendar days prior to start-up of operations after any temporary closure, the Permittee shall notify the Department in writing of its intent to resume operations and describe the nature and extent of its planned renewed operations.

Permanent closure shall be defined as: (a) the Permittee's final shut-down of any of the mines or of the ore-processing facility such that no future mining or ore-processing activities are planned by the Permittee or its successors or related entities at the mine or mines or the ore-processing facility other than final closure and reclamation, or (b) a temporary closure of any of the mines or of the ore-processing facility that has continued for seven (c) continuous years from the date that notice is required to be given to the Department under the immediately preceding paragraph.

Temporary closure shall be defined as any shut-down of any of the mines or of the ore-processing facility less than permanent closure. Unless authorized in writing by the Department, a temporary closure may not continue for more than seven (7) years after the date that notification is required to be given to the Department, as described above, without being deemed a permanent closure and triggering the Permittee's obligation to carry out final reclamation as required under Special Condition S4.B.3. below.

2. During any temporary closure, the Permittee shall continue the complete surface and ground water quality monitoring as required in Special Condition S5.
3. Upon permanent closure of any of the mines and/or of the ore-processing facility, the Permittee shall expeditiously carry out the approved Reclamation Plan. Permanent closure of less than the entire project operation requires that the permittee proceed with that part of the Reclamation Plan applicable to the permanently closed operation(s).
4. The Permittee shall maintain with the Department a good and sufficient corporate surety bond or provide other security satisfactory to the Department (hereinafter referred to as "Bond"), which secures the full performance by the Permittee of all terms and conditions of the Reclamation Plan to be performed by the Permittee, including, but not limited to, the payment by the Permittee of all amounts now or hereafter due and payable to the Department. The Bond shall be in a form and issued by a surety company or bank acceptable to the Department. The amount of the Bond may be adjusted by the Department at permit renewal, provided, however, that in the event that a new or modified Bond may be required by the Department, it shall be delivered to the Department not less than thirty (30) calendar days following any adjustment by the Department of the amount of the Bond.
5. Upon any default by the Permittee in its obligations under the Reclamation Plan, any or all of the Bond may be appropriated by the Department to offset the liability of the Permittee to the Department, but such Bond and the Department's appropriation thereof or realization thereon shall in no way limit the liability or other security or obligations of the permittee or the rights or remedies of the Department nor shall such realization in any manner relieve the Permittee of its obligations under the Reclamation Plan. The Permittee's failure to have a Bond in force at all times during the term of the permit in the full amount as required by this section shall constitute a violation of the terms and conditions of this permit.
6. After any permanent closure, the Permittee shall continue surface and ground water quality monitoring (Section S5) for two years after completion of final reclamation work is approved by the Department. The Department may evaluate the monitoring data and require additional monitoring or other actions by the Permittee to protect water quality.

## **S5. SURFACE AND GROUND WATER MONITORING PLAN**

Within three months after the issuance date of this permit, the Permittee shall submit to the Department an updated surface and ground water monitoring plan for Department review and approval. The plan shall include a surface and ground water monitoring schedule for the Key Mill, Key Project, Lamfoot, and K2 site locations. The plan, at a minimum shall include:

1. Surface and ground water monitoring locations, monitoring frequencies, and analytical parameters;
2. Protocols and procedures for surface and ground water monitoring sampling and testing (including monitoring equipment calibration procedures); and
3. Monitoring reporting forms.

Results from the surface and ground water monitoring shall be submitted quarterly. The monitoring results obtained during the previous three (3) months shall be reported and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report shall be sent to the Department of Ecology, Eastern Regional Office, 4601 North Monroe Street, Washington, 99205-1295. In addition, by April 15<sup>th</sup> of every year, the previous calendar years worth of monitoring data shall be submitted in an electronic spreadsheet format acceptable to the Department.

Any proposed revision to the surface and ground water monitoring plan shall be submitted for Department review and approval. Additionally, the Department may evaluate the monitoring data and require additional or different monitoring.

## **S6. SCHEDULE OF COMPLIANCE**

The permittee shall accomplish the below tasks by the dates listed. No later than 14 days following each schedule date, the Permittee shall submit to the Department a report including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reasons for delay, and the steps being taken to return the project to the schedule established.

<b>Event</b>	<b>No Later Than</b>
1. The Permittee shall submit to the Department a hydrogeologic/engineering report updating and evaluating all known available and reasonable methods of prevention, control and treatment (AKART) for sources contributing pollutants that degrade ground water quality as measured by wells K2-2, TP-1, TP-2, KW-1A, and LF-12. This report shall further include ground water remediation alternatives for ground water contamination as measured by wells K2-2, TP-1, TP-2, KW-1A, and LF-12.	1 year after permit effective date
2. The Permittee shall have implemented the AKART measures and remediation alternatives in the approved hydrogeologic/engineering report.	2 years after permit effective date
3. The Permittee shall submit an updated hydrogeologic study assessing whether the implemented AKART measures and remediation alternatives have achieved compliance with the final ground water quality enforcement limits.	3 years after permit effective date

## **S7. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

### **A. Operations and Maintenance Manual**

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval within six months after permit effective date. The O&M Manual shall be reviewed by the Permittee at least annually. All manual changes or updates shall be submitted to the Department for review and approval whenever they are incorporated into the manual. The approved operation and maintenance manual shall be kept available at the permitted facility.

The operation and maintenance manual shall contain the treatment plant process control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Plant maintenance procedures.

### **B. Bypass Procedures**

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. *Unavoidable Bypass* -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

2. *Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions* -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:
  - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
  - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. *Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions* -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

## **S8. SOLID WASTE DISPOSAL**

### **A. Solid Waste Handling**

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

### **B. Leachate**

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.



C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal 180 days prior to the expiration date of the permit.

**S9. NON-ROUTINE AND UNANTICIPATED DISCHARGES**

Beginning on the effective date of this permit, the Permittee may discharge non-routine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge, the Permittee shall contact the Department and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage or recycling of the water.
3. The total volume of water expected to be discharged.
4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Permittee's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department. All discharges must comply with the effluent limitations as established in Condition S1. of this permit, water quality standards, and any other limitations imposed by the Department.
5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute.

The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

**S10. SPILL PLAN**

Within six months after the effective date of this permit, the Permittee shall submit to the Department an update to the existing Spill Control Plan for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials (including explosives) which may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Plan, as needed, at least annually. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of operator training to implement the plan.
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil, chemicals and explosives used , processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **G2. RIGHT OF ENTRY**

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

### **G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

### **G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

### **G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

### **G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

### **G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;

- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

#### **G9. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

#### **G10. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.